

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**TYLER DIVISION**

**DATE:** November 18, 2011

**JUDGE**  
LEONARD DAVIS

**COURT REPORTER**  
Judy Werlinger

**Law Clerks:** Allan Bullwinkel and Nicole Mitchell

<b>SOVERAIN SOFTWARE LLC</b>  <b>vs.</b>  <b>J.C. PENNEY CORPORATION, INC., et al</b>	<b>CIVIL ACTION NO: 6:09-CV-274</b> <b>Jury Trial Day 5</b>
<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANTS</b>
SEE SIGN IN SHEETS	

On this day, came the parties by their attorneys and the following proceedings were had:

**OPEN:** 9:09 a.m.

**ADJOURN:** 2:07 p.m.

<b>TIME:</b>	<b>MINUTES:</b>
9:09 a.m.	Court opened.
	Hearing outside the presence of the jury. Mr. Ward indicated Defendants' concern with respect to the Verdict Form. Mr. Wilson responded. The Court denied Defendants' request.
9:13 a.m.	Mr. Smith objected on behalf of Plaintiff as to an issue with the Jury Instructions. The Court will modify the instructions.
9:15 a.m.	Court recess.
9:30 a.m.	The jury returned to the Courtroom. The Court gave the jury its instructions.
10:20 a.m.	Court recess
10:42 a.m.	Court reconvened. Mr. Nelson conducted closing argument on behalf of Plaintiff.
11:10 a.m.	Mr. Carter conducted closing argument on behalf of Defendants.
11:56 p.m.	Mr. Nelson conducted rebuttal closing argument on behalf of Plaintiff.
12:10 p.m.	Jury retired to jury room to deliberate.
	Mr. Smith requested that the Court allow the Plaintiff to scan Plaintiff's Exhibit Nos. 144, 195 and 196 (Source code protected by the Protective Order). The Court granted the request.
	Mr. Smith and Mr. Glenn presented exhibit lists of exhibits to be filed under seal.

PAGE 2 - Proceedings Continued

<b>TIME:</b>	<b>MINUTES:</b>
12:12 p.m.	Court adjourned pending a verdict.
2:00 p.m.	Court reconvened. Jury returned to Courtroom. Verdict Reached. The jury foreperson handed the Verdict Form to the Court Security Officer. The Court reviewed the Verdict Form and handed it to the Deputy Clerk to read into the record. The Court gave the Jury its thanks and gave final instructions.
2:05 p.m.	Court discussed post verdict briefing schedule with attorneys.
2:07 p.m.	Court adjourned.

Courtroom Deputy: Jan Lockhart